

JUN 06 2007

Docket No. 1832K US

Response to the Final Office Action dated April 11, 2007Overview

5 Applicant amended the independent claim 1. The Applicant corrected claim 24. Applicant canceled claims 2-6, 8, and 11, 13-20. The Applicant withdrew claim 25. Support is found at paragraphs [0083] - [0088] and figures 6A and 6B of U.S. Patent 2005/0184264 A1, the present invention.

10 Applicant respectfully suggests that claim 1 and its dependent claims 7, 9, 10, 12 and 21-24 are no longer indefinite.

15 In response to paragraph 11, the inventorship of the pending claims has not changed.

In response to the rejoinder, the Applicant withdrew claim 25 for a future filing as a divisional.

Response to the 103(a) Rejection.

20 This final action rejected claims 1, 7, 9, 10, 12 and 21-24 as being unpatentable over Summerville '850 in view of Phelan '240.

25 Applicant respectfully suggests amended independent claim 1 is not anticipated by the combination of Summerville and Phelan. The Office Action has not made its prima facie case of obviousness when no cited reference alone or in combination  
30 teaches a suggestion to combine or modify the cited references against the claimed invention. See Graham 383 U.S. 1.

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The Applicant's invention is a single valve located in a fluid orifice; the valve is biased proximally when the two portions, the first and second connector, of the fluid connector apparatus are disconnected. Neither Phelan nor Summerville, alone or in combination, show a two piece valve that teaches or allows fluid flow when the two portions of the fluid flow connector are disconnected. The Applicant relies on his previous Office Action for his arguments, in support of his position, that Summerville does not teach or motivate one skilled in the art to allow for fluid flow when the two portions of the Summerville duplex device, as taught, are disconnected.

Phelan teaches two unitary portions connected together for proper operation. Phelan teaches two valves and two conduits to accomplish what is presently claimed with one valve and conduit. In Phelan, a separate valve/conduit combination acts as a bypass for fluid flow when the two portions are connected. By contrast, the present invention has a single valve in an orifice and that allows fluid flow through the orifice of one of the connectors when disconnected, as claim in amended claim 1.

Also, in Phelan when the two unitary portions are separated the device is not operational because the fluid at the inlet will exit the tubular portion 15 for the main reciprocating plunger 14 during use. Phelan at page 2, lines 38-45. Phelan requires its unitary portions connected to form a closed system. Phelan teaches the "joining of these two members, therefore, eventuates a valve of maximum compactness whereby the necessary elements are contained within a minimum volume." And the construction prevents any liquid or gas from contacting the coil. Phelan at page 2, lines 105-120. Phelan teaches away from separating the unitary portions during its operation.

The Applicant respectfully disagrees that one of ordinary skill is motivated to modify Summerville based on the teaching

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of Phelan because neither reference teaches or suggests fluid flow through an orifice having a single valve disposed in an orifice of a connector of the fluid connector apparatus when the first and second connector are separated. Phelan's auxiliary opening 16 is not part of its valve seat. Furthermore, Phelan's auxiliary opening 16 is controlled by a set screw 19 while its main plunger 14 is closed to fluid flow. Phelan teaches "bypass flow" around its main valve 14 when the two portions are connected and when the set screw set valve is in an open position. By contrast, the present invention provides fluid flow when the first and second connectors are separated and the spring biases the valve into its proximal position.

The Applicant respectfully reminds the Examiner that the invention must be taken as a whole according to 35 U.S.C. 103(a). The Applicant respectfully suggests when its invention is taken as a whole as claimed, the cited references do not show or teach fluid flow through an orifice when the fluid connector apparatus is disconnected.

Support for the amendment is found in figure 6A (i.e. first valve position) and figure 6B (i.e. second valve position). In both positions, the fluid flow is present. See Paragraphs [0083] - [0088]. In a first position, the fluid flow is substantially reduced but not closed to fluid flow in the present invention.

#### Response to Paragraph 14 Prior Art of Record

The Applicant respectfully suggests that the cited art of record does not teach or suggest to one skilled in the art to modify the references to anticipate the claimed invention. For all the references cited in this Office Action, the Applicant respectfully suggests the Examiner is not allowed to use the

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Applicant's invention as a blueprint to combine references. See In re Fritch, 972 F. 2d 1260 (Fed. Cir. 1992).

Shaff, U.S. Patent No. 1,670,318, is a one piece connector. Shaff at Figure 1 and page 2 lines 99-103. The Shaff device  
5 operates as a single device as shown as in Figure 1.

Higgins, U.S. Patent No. 1, 695,848, discloses a by-pass valve as does Phelan. Higgins at page 2, lines 59-67. By contrast, as claimed, the present invention has one valve, not two, as in Higgins and Phelan.

10 Kanno, U.S. Patent No. 6,105,933, like Shaff and Phelan (as discussed above) is single or unitary device for its intended operation, otherwise these inventions are inoperable.

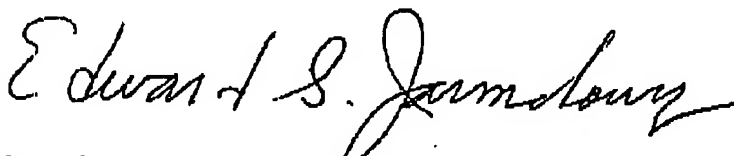
Closing

15 The Applicant respectfully requests allowance of the amended independent claim 1 and the dependent claims 7, 9, 10 12, and 21-24 depending directly or indirectly from amended independent claim 1.

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Applicant respectfully requests an Examiner interview, if  
the above amendments do not place this application in a  
condition of allowance. Applicant petitions for any extension  
5 necessary to maintain the pendency of this case, and the  
Applicant further authorizes the Commissioner of Patents to  
charge Deposit Account Number 190254 for any late fees or  
charges necessary to avoid abandonment of this case. I can be  
reached direct at (508) 261-8476 or  
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Respectfully yours,



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